

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

GS HOLISTIC, LLC,

Plaintiff,

v.

SMOKE NET INC., et al.,

Defendants.

CASE NO. C23-0377JLR

ORDER

Before the court is Plaintiff GS Holistic, LLC's ("GS Holistic") motion for a 60-day extension of time to perfect service on Defendant Mohammed Khan. (Mot. (Dkt. # 10).) The court GRANTS GS Holistic's motion for an extension of time.¹

Federal Rule of Civil Procedure 4 requires a plaintiff to serve the defendant with a

¹ Although the motion is noted for consideration on June 23, 2023 (*see id.*), the court sees no reason to delay issuing a decision on the motion. *See* Fed. R. Civ. P. 1 (authorizing the court to construe the Federal Rules of Civil Procedure "to secure the just, speedy, and inexpensive determination of every action and proceeding").

1 summons and a copy of the complaint and sets forth the specific requirements for doing
2 so. *See* Fed. R. Civ. P. 4. Rule 4(m), which provides the timeframe in which service
3 must be effectuated, states in relevant part:

4 If a defendant is not served within 90 days after the complaint is filed, the
5 court—on motion or on its own after notice to the plaintiff—must dismiss
6 the action without prejudice against that defendant or order that service be
made within a specified time. But if the plaintiff shows good cause for the
failure, the court must extend the time for service for an appropriate period.

7 *Id.*

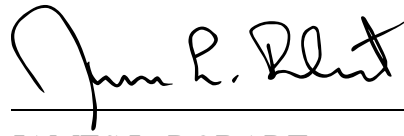
8 GS Holistic filed this action on March 14, 2023. (Compl. (Dkt. # 1).) As a result,
9 Rule 4(m)’s 90-day deadline for effectuating service of process expired on Monday, June
10 12, 2023. Fed. R. Civ. P 4(m). On April 20, 2023, GS Holistic filed an affidavit of
11 service on Defendant Smoke Net Inc. (Aff. of Service (Dkt. # 7).) On June 8, 2023, the
12 Clerk entered default as to Smoke Net Inc. (Entry of Default (Dkt. # 10).)

13 GS Holistic represents that its process server has, to date, been unable to serve Mr.
14 Khan. (Mot. ¶ 2.) GS Holistic now asks the court to extend the Rule 4(m) deadline by
15 60 days to allow it to perfect service on Ms. Fernandez “either personally or by
16 publication.” (Mot. ¶ 5.)

17 Based on the minimal information GS Holistic has provided regarding its efforts to
18 locate and serve Mr. Khan, the court finds that GS Holistic has not demonstrated good
19 cause for its failure to effectuate service before the Rule 4(m) deadline. Nevertheless, the
20 court GRANTS GS Holistic’s motion for a 60-day extension of the deadline to perfect
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1 service (Dkt. # 10).² GS Holistic shall file proof of service on Mr. Khan by no later than
 2 **August 11, 2023**. Failure to do so may result in the dismissal without prejudice of GS
 3 Holistic's claims against Mr. Khan. Further extensions of the deadline to serve Mr. Khan
 4 will not be granted absent exceptional circumstances.³

5 Dated this 13th day of June, 2023.

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8 JAMES L. ROBART
 9 United States District Judge

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 16 ² This order does not grant GS Holistic leave to serve Mr. Khan by publication. If GS
 17 Holistic seeks to serve Mr. Khan by publication, it must file a motion for leave to do so. *See*
Pascua v. Heil, 108 P.3d 1253, 1257 (Wash. Ct. App. 2005) (explaining the standard for granting
 leave to serve a defendant by publication in Washington).

18 ³ Under Local Rules W.D. Wash. LCR 10(e)(3), the law firm, mailing address, and
 19 telephone number of the attorney preparing the paper should be printed or typed at the bottom of
 each page of a motion or other filing. In addition, Local Rules W.D. Wash. LCR 10(e)(5)
 20 requires line numbers in the left margin of each page of a motion or other filing. Here, the footer
 of GS Holistic's motion contains contact information for The Ticktin Law Firm, even though the
 21 only attorney who has appeared in this action is Brett C. Harris of Virgo Law LLC. (*See* Mot.;
 Dkt.) In addition, there are no line numbers on the pleading paper. (*See* Mot.) Accordingly, the
 22 court ORDERS counsel for GS Holistic to carefully review the court's local rules and to ensure
 compliance with those rules in all future filings. Failure to comply with the court's local rules
 may result in sanctions.